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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
GREEN, BRIAN	

ART UNIT	PAPER NUMBER
3611	

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/765,771	TRIGGER, CONSTANCE C.	
	Examiner	Art Unit	
	Brian K. Green	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 February 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) *10-16* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 January 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I. in the reply filed on Feb. 22, 2005 is acknowledged. The traversal is on the ground(s) that any prior art search for Group I should be coextensive with any search for Group II because the novel elements are in the claims of both groups and that the alternative method of making the product as defined by the examiner would not be functionally desirable. This is not found persuasive because a search in the Group II classification area is not required for the group I. invention and while the method used to make the Group I. invention may not be the best manner to make the product it is a different and patentably distinct method. The heat shrinkable plastic would not have to be heated or could be heated in the first step of the examiner's explanation of making the product.

The requirement is still deemed proper and is therefore made FINAL.

Claims 10-16 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on Feb. 22, 2005.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cellular telephone defined in claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because the third figure (the figure on page 2 of the figures) is not labeled "FIG. 3". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of

the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because on lines 1 and 3 the word "invention" is used which is improper. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albertoni (U.S. Patent No. 1,473,393) in view of Fascenelli, Jr. et al. (U.S. Patent No. 5,690,365).

Albertoni shows in figures 1-3 a label portion (15), having information thereon, a flexible cord/string (10) attached to the label portion (15) at one end, and at least one bead (11) on the flexible cord for securing the flexible cord to the object (5-8). Albertoni discloses the applicant's basic inventive concept except for making the tag from heat shrinkable material. Fascenelli, Jr.

et al. shows in figures1-3 a tag that is made from heat shrinkable material. In view of the teachings of Fascenelli, Jr. et al. it would have been obvious to one in the art to modify Albertoni by making the label portion from heat shrinkable material since this would create a more durable and aesthetically pleasing label portion. In regard to claim 2, Fascenelli, Jr. et al. discloses the idea of making the material from plastic, see column 2, lines 5-8. In regard to claim 3, Albertoni does not disclose whether the cord/string is waterproof, however the examiner takes official notice that waterproof cord/string is well known and it would have been obvious to one in the art to make the cord/string from a waterproof material since this would form a more durable and longer lasting string/cord. In regard to claim 7, Albertoni shows in figure 1 textual information on the label portion.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Albertoni (U.S. Patent No. 1,473,393) in view of Fascenelli, Jr. et al. (U.S. Patent No. 5,690,365) as applied to claim 1 and further in view of Arnt (U.S. Patent No. 5,269,564).

Albertoni in view of Fascenelli, Jr. et al. disclose the applicant's basic inventive concept except for looping the cord through a hole in the label portion and looping said flexible cord through itself. Arnt shows in figure 3 the idea of looping a cord (29) through a hole in the label portion and looping the flexible cord through itself. In view of the teachings of Arnt it would have been obvious to one in the art to modify Albertoni by looping the cord through a hole in the label portion and looping said flexible cord through itself since this would allow the label portion to be attached to and removed from the cord in an easier and faster manner.

Claims 1-3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flood (U.S. Patent No. 2,488,280) in view of Sonderman (U.S. Patent No. 3,186,611) and Fascenelli, Jr. et al. (U.S. Patent No. 5,690,365).

Flood shows in figures 1-3 a label portion (T), a flexible cord/string (F,S) attached to the label portion (T) at one end, and at least one member (K) on the flexible cord for securing the flexible cord to the object (B). Flood discloses the applicant's basic inventive concept except for making the at least one member (K) in the form of a bead and a making the tag from heat shrinkable material. Sonderman shows in figures 1-3 the idea of making a cord securing member in the form of a bead (9). In view of the teachings of Sonderman it would have been obvious to one in the art to modify Flood by replacing the member (K) with a bead since this would create a more durable and aesthetically pleasing adjusting member. Fascenelli, Jr. et al. shows in figures1-3 a tag that is made from heat shrinkable material. In view of the teachings of Fascenelli, Jr. et al. it would have been obvious to one in the art to modify Flood by making the label portion from heat shrinkable material since this would create a more durable and aesthetically pleasing label portion. Flood discloses that the member (T) is a tag and it is therefore considered to inherently have indicia/information thereon. In regard to claim 2, Fascenelli, Jr. et al. discloses the idea of making the material from plastic, see column 2, lines 5-8. In regard to claim 3, Flood does not disclose whether the cord/string is waterproof, however the examiner takes official notice that waterproof cord/string is well known and it would have been obvious to one in the art to make the cord/string from a waterproof material since this would form a more durable and longer lasting string/cord. In regard to claim 7, Flood discloses

that the member (T) is a tag and it is therefore considered to inherently have indicia/information thereon.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flood (U.S. Patent No. 2,488,280) in view of Sonderman (U.S. Patent No. 3,186,611) and Fascenelli, Jr. et al. (U.S. Patent No. 5,690,365) as applied to claim 1 above and further in view of Harris (U.S. Patent No. 6,120,146).

Flood in view of Sonderman and Fascenelli, Jr. et al. disclose the applicant's basic inventive concept except for attaching the label portion to a pair of swim goggles. Harris shows in figures 1-3 the idea of attaching a tag to a pair of eyeglasses. In view of the teachings of Harris it would have been obvious to one in the art to modify Flood by attaching the tag to a pair of eyeglasses since this would allow the label portion to be used on a wider range of products. Eyeglasses and goggles are closely related and it is considered within one skilled in the art to place the label portion onto any type of eyeglass type items including swim goggles.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flood (U.S. Patent No. 2,488,280) in view of Sonderman (U.S. Patent No. 3,186,611) and Fascenelli, Jr. et al. (U.S. Patent No. 5,690,365) as applied to claim 1 above and further in view of Reed (U.S. Patent No. 4,255,622).

Flood in view of Sonderman and Fascenelli, Jr. et al. disclose the applicant's basic inventive concept except for attaching the label portion to a cellular telephone. Reed shows in figures 1-2 the idea of attaching a tag to a telephone. In view of the teachings of Reed it would

have been obvious to one in the art to modify Flood by attaching the tag to a telephone since this would allow the label portion to be used on a wider range of products. Telephones and cellular phones are closely related and it is considered within one skilled in the art to place the label portion onto any type of telephone type items including cell phones.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flood (U.S. Patent No. 2,488,280) in view of Sonderman (U.S. Patent No. 3,186,611) and Fascenelli, Jr. et al. (U.S. Patent No. 5,690,365) as applied to claim 1 above and further in view of Arnt (U.S. Patent No. 5,269,564).

Flood in view of Sonderman and Fascenelli, Jr. et al disclose the applicant's basic inventive concept except for looping the cord through a hole in the label portion and looping said flexible cord through itself. Arnt shows in figure 3 the idea of looping a cord (29) through a hole in the label portion and looping the flexible cord through itself. In view of the teachings of Arnt it would have been obvious to one in the art to modify Flood by looping the cord through a hole in the label portion and looping said flexible cord through itself since this would allow the label portion to be attached to and removed from the cord in an easier and faster manner.

Claims 5,6, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flood (U.S. Patent No. 2,488,280) in view of Sonderman (U.S. Patent No. 3,186,611) and Fascenelli, Jr. et al. (U.S. Patent No. 5,690,365) as applied to claim 1 above and further in view of Paulson (U.S. Patent No. 1,345,874).

In regard to claims 5 and 6, Flood in view of Sonderman and Fascenelli, Jr. et al. disclose the applicant's basic inventive concept except for attaching the label portion to a pair of swim goggles or cell phone. Paulson shows in figure 2 the idea of attaching a tag to an item (watch) that is to be repaired. Swim goggles and cell phones are conventional items in the art. In view of the teachings of Paulson it would have been obvious to one in the art to modify Flood by attaching the tag to swim goggles or a cell phone since this would allow the articles to be easily and quickly labeled for repair purposes. In regard to claim 9, Flood in view of Sonderman and Fascenelli, Jr. et al disclose the applicant's basic inventive concept except for looping the cord around the object and looping said flexible cord through itself. Paulson shows in figure 2 the idea of looping a cord around the object and looping the flexible cord through itself. In view of the teachings of Paulson it would have been obvious to one in the art to modify Flood by looping the cord around the object and looping said flexible cord through itself since this would allow the label portion and cord to be attached to and removed from the object in an easier and faster manner.

Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane (U.S. Patent No. 2,449,727) in view of Strykower (U.S. Patent No. 2,572,889) and Fascenelli, Jr. et al. (U.S. Patent No. 5,690,365).

Sloane shows in figures 1-5 a label portion (3) having information thereon, a flexible cord/string (13) attached to the label portion (3) at one end and to and to an object (person) at the other end. Sloane does not disclose whether the cord includes a bead. Strykower shows in figures 1-7 the idea of placing a plurality of beads (20,23,24) on a cord for securing the cord to

an object. In view of the teachings of Strykower it would have been obvious to one in the art to modify Flood by replacing the cord with the type of cord and bead arrangement taught by Strykower since this would allow the cord and label portion to be attached to the object in a more secure manner. Fascenelli, Jr. et al. shows in figures1-3 a tag that is made from heat shrinkable material. In view of the teachings of Fascenelli, Jr. et al. it would have been obvious to one in the art to modify Sloane by making the label portion from heat shrinkable material since this would create a more durable and aesthetically pleasing label portion. In regard to claim 2, Fascenelli, Jr. et al. discloses the idea of making the material from plastic, see column 2, lines 5-8. In regard to claim 3, Sloane in view of Strykower do not disclose whether the cord/string is waterproof, however the examiner takes official notice that waterproof cord/string is well known and it would have been obvious to one in the art to make the cord/string from a waterproof material since this would form a more durable and longer lasting string/cord. In regard to claim 4, Strykower teaches the idea of attaching a plurality of beads to the cord.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian K. Green

BRIAN K. GREEN
PRIMARY EXAMINER

Bkg
March 11, 2005